

APPROVED: Meeting No. 35-82

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 32-82

August 19, 1982

The Mayor and Council of Rockville, Maryland, convened in special session, Thursday, August 19, 1982, at 8:10 p.m., in the Council Chamber, Rockville City Hall, Rockville, Maryland.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Attorney Paul Glasgow; Acting City Manager Daniel Hobbs; City Clerk Helen Heneghan; Public Information Officer Sue M. Patterson.

Re: Resolution calling for
Bi-lateral Nuclear
Disarmament

Mayor Freeland explained the purpose of this evening's meeting which is the continuation of an item on the agenda at the last Mayor and Council general session. He noted that after the close of the record, testimony was given at Monday night's meeting and material was submitted.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Council agreed to reopen and close the record in order to include Monday night's testimony and correspondence and a paper submitted by Mrs. Hovsepian this evening entitled, "Presentation" by Lew Harris. Mr. Hobbs, the Acting City Manager, briefed the Council on the options for addressing the issue of a nuclear disarmament policy as follows:

1. City referendum on formal November 2 general election ballot.

State law establishes the deadline for submission of an issue on the formal ballot for the general election as the third Monday in August. That deadline was August 16, and there is no legal way in which the Rockville issue can be placed on the formal ballot. This has been confirmed by the City Attorney.

2. Execute a City ballot in the same location as the November 2 general election.

Board of Elections staff have indicated that they would strongly advise their Board against this approach because it can create additional confusion for their primary responsibility, which is

2. the conducting of a general election. If the City wanted to pursue this, a formal letter would have to be directed to the Supervisors of the Board of Elections.
3. Conduct a City Referendum/Balloting 100 ft. from each polling place
100 feet from each polling place, the City could do as it pleases. However, conducting balloting at each polling place in this manner would obviously entail a rather large logistical effort, and there could be several problems associated with this.
4. Mail out referendum cards to all registered voters in the City.

If the City would execute this approach, it would incur the costs of printing and of the mailing, including the return postage. This approach would give the benefit of public opinion earlier than November 2; there would be minimal logistics to wrestle with; there would probably be a good public response; and there would be little danger of public ridicule.

There may be a variation on this option which would be a controlled mailing to all residences in the City, not to just registered voters. The City would receive a "household response" and not a "registered voter response."

5. The use of a professional pollster who would conduct a scientific sampling, either by phone or by mail.
6. The use of the City Newsletter containing a ballot which people would fill out and return to City Hall. While this is a very simple approach, there are real dangers of lack of response and manipulation of the ballots.
7. The last remaining option is for the Mayor and Council to take a vote on the resolution in public session.

Councilman Duncan asked how long a mail out referendum would take. Mr. Hobbs said he felt five to six weeks might be the time span. Councilman Abrams asked if the City had explored the use of the County voter registration list for broader coverage. Mr. Hobbs said he is sure the County would help the City.

Councilman Duncan moved, duly seconded, that the City pursue option 4 which is to mail out referendum cards to all registered voters in the City. City Attorney Glasgow noted that the election ordinance will need an amendment in order to accomplish this but the amendment can be handled in one or two weeks. Councilwoman Hovsepien said she feels the Mayor and Council is qualified to make this decision this evening; however, she will agree to the referendum suggestion if

the results of the election are sent directly to the Senators and Congressman and do not come back to the Council for further action. She does not feel that delay is necessary. Although she has felt all along the Mayor and Council can make this decision and were elected to do so, the more people that can be heard from on the issue the better. Mayor Freeland asked if she would like to put that in the form of an amendment. Councilwoman Hovsepien agreed to do so amending Councilman Duncan's motion to state that the results would be sent to the President, the two Senators and Congressman and include the public hearing transcript.

Councilman Tyner said to do so is abrogating the Mayor and Council's responsibility to the people of the City who elected it. He felt the Mayor and Council is elected to represent the people. He has stood ready to vote to support the resolution. It would seem much better for an elected body to come forward and take a stand on this issue than just to send another petition to Washington. He feels the referendum is asking people to bail out the Mayor and Council. Councilman Duncan disagreed with this statement. He said that the best way to represent the people on this issue is to hold a town meeting and get the people's vote. It would seem to him that the people in Washington, D.C. would pay more attention to a referendum than just another political body passing a resolution.

Mayor Freeland said Mrs. Hovsepien's amendment did not preclude the Mayor and Council from adding its support. He said he is prepared to vote for the resolution if the community supports it and he does feel that the more people who express their opinion the better. Councilman Tyner said Councilwoman Hovsepien's approach would mean that the institution of the Mayor and Council is not on record. Councilwoman Hovsepien said if it is the wish of the Mayor and Council to vote on the resolution after the referendum results she will go along with it. Mayor Freeland said he himself has not talked to enough people to get a feeling. Most of the people he has talked with are against it and it would seem that the entire Council has talked to a limited amount of people or in fact the same people. It would seem best to reach out and ask the community for the best information possible. Councilman Tyner suggested the Mayor and Council wait until the results of the voting are in before they vote for a resolution.

Councilman Abrams amended the motion to include all the registered voters from the County who reside in the City. This would cause the referendum to be more broad based. Councilman Duncan said he would prefer to move forward as quickly as possible.

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and not wait for the County's books to close. Councilman Tyner suggested a mailing to all the households in the City. Mr. Hobbs explained the inaccuracy and lack of control if this method were used. Mayor Freeland said the Council intent is to go with a larger number, the County list should be used and the shortest possible time. He instructed the City Attorney to prepare the necessary legal documentation to accomplish the Council's purpose which is to conduct a referendum by early October. Councilman Tyner suggested the Council might wait until Monday to decide so that the costs could be reviewed. He said it is his feeling to use the City's list. Councilman Duncan's motion to conduct the referendum as amended by Councilwoman Hovsepian's motion and Councilman Abrams' motion passed, Mayor Freeland, Councilmembers Duncan Hovsepian and Tyner voting aye with Councilman Abrams abstaining.

Mayor Freeland asked that a Newsletter article and release to the media be prepared in draft form for Council review. He asked that the articles include the significance of the referendum and ask for maximum participation by the citizens.

Re: Adjournment

There being no further business to come before the Mayor and Council in special session, on motion of Councilwoman Hovsepian, the meeting was adjourned at 8:50 p.m. to convene again in general session on Monday, August 23, 1982, at 8:00 p.m. or at the call of the Mayor.